

**Q00C01**  
**Maryland Parole Commission**  
Department of Public Safety and Correctional Services

## ***Executive Summary***

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The Maryland Parole Commission (MPC) determines whether inmates serving sentences of six months or more in State or local facilities are suitable for release into the community. In addition, the commission also makes recommendations to the Governor regarding pardons, commutations of sentences, and parole of inmates sentenced to life imprisonment.

## ***Operating Budget Data***

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(\$ in Thousands)

	<b><u>FY 18</u></b> <b><u>Actual</u></b>	<b><u>FY 19</u></b> <b><u>Working</u></b>	<b><u>FY 20</u></b> <b><u>Allowance</u></b>	<b><u>FY 19-20</u></b> <b><u>Change</u></b>	<b><u>% Change</u></b> <b><u>Prior Year</u></b>
General Fund	\$5,995	\$6,004	\$6,178	\$174	2.9%
Adjustments	0	45	151	106	
<b>Adjusted General Fund</b>	<b>\$5,995</b>	<b>\$6,049</b>	<b>\$6,329</b>	<b>\$281</b>	<b>4.6%</b>
 <b>Adjusted Grand Total</b>	 <b>\$5,995</b>	 <b>\$6,049</b>	 <b>\$6,329</b>	 <b>\$281</b>	 <b>4.6%</b>

Note: The fiscal 2019 appropriation includes deficiencies, a one-time \$500 bonus, and general salary increases. The fiscal 2020 allowance includes general salary increases.

- The MPC fiscal 2020 allowance increases by \$281,000, or 4.6%, over the fiscal 2019 working appropriation. Nearly 85% of the change in the allowance is due to increases in personnel expenditures.

Note: Numbers may not sum to total due to rounding.

For further information contact: Kenneth B. Weaver

Phone: (410) 946-5530

***Analysis of the FY 2020 Maryland Executive Budget, 2019***

## ***Personnel Data***

	<b><u>FY 18</u></b> <b><u>Actual</u></b>	<b><u>FY 19</u></b> <b><u>Working</u></b>	<b><u>FY 20</u></b> <b><u>Allowance</u></b>	<b><u>FY 19-20</u></b> <b><u>Change</u></b>
Regular Positions	72.00	72.00	73.00	1.00
Contractual FTEs	<u>0.20</u>	<u>1.77</u>	<u>1.77</u>	<u>0.00</u>
<b>Total Personnel</b>	<b>72.20</b>	<b>73.77</b>	<b>74.77</b>	<b>1.00</b>

### ***Vacancy Data: Regular Positions***

Turnover and Necessary Vacancies, Excluding New Positions	2.29	3.18%
Positions and Percentage Vacant as of 12/31/18	13.00	18.06%

- The fiscal 2020 allowance for MPC has one change in regular positions due to a personnel realignment and no changes in contractual full-time equivalents. The commission currently has 13 unfilled positions for a vacancy rate of 18%, which is more than five and a half times what is needed to meet budgeted turnover.

## ***Key Observations***

- ***Parole Hearing Totals Continue to Decline:*** Since fiscal 2012, hearings for State and local inmates have declined nearly 54% and 25%, respectively, as inmate and parole/probation populations have decreased. The Justice Reinvestment Act (JRA) is expected to add to this decline.
- ***Most Parole Releases Occur within One Year of Eligibility:*** In fiscal 2018, the majority of parole releases (77%) occurred within a year of eligibility, a trend that has remained consistent since fiscal 2015.
- ***Retake Warrants Decline Due to Lower Inmate Populations, Processing Time Is More Efficient:*** Since fiscal 2012, the number of retake warrants declined by 44% as a result of lower inmate populations statewide. Despite this trend, the percentage of MPC retake warrants processed in three days or less rose to 58%, well above the MPC target.
- ***The JRA First Year Review:*** MPC now has a full year of data on the JRA but faces a variety of challenges regarding retake warrants, technology designed to capture new JRA data, and legal interpretations related to technical violations in the statute. MPC is asked to comment on their efforts to meet all these challenges.

**Operating Budget Recommended Actions**

	<b><u>Funds</u></b>
1. Increase turnover to 8%.	\$ 231,000
<b>Total Reductions</b>	<b>\$ 231,000</b>

**Q00C01**  
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## ***Operating Budget Analysis***

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### **Program Description**

The Maryland Parole Commission (MPC) hears cases for parole release and revocation and is authorized to parole inmates sentenced to a term of confinement of six months or more from any correctional institution in Maryland except the Patuxent Institution. Parole commissioners and hearing officers hold hearings via videoconferences and in correctional facilities throughout Maryland.

In addition, the commission issues warrants for the return to custody of alleged violators and can revoke supervision upon finding that a violation of parole or release conditions has occurred. The commission also makes recommendations to the Governor regarding pardons, commutations of sentences, and parole of inmates sentenced to life imprisonment. The commission holds open parole hearings and has a strong commitment to victim's rights.

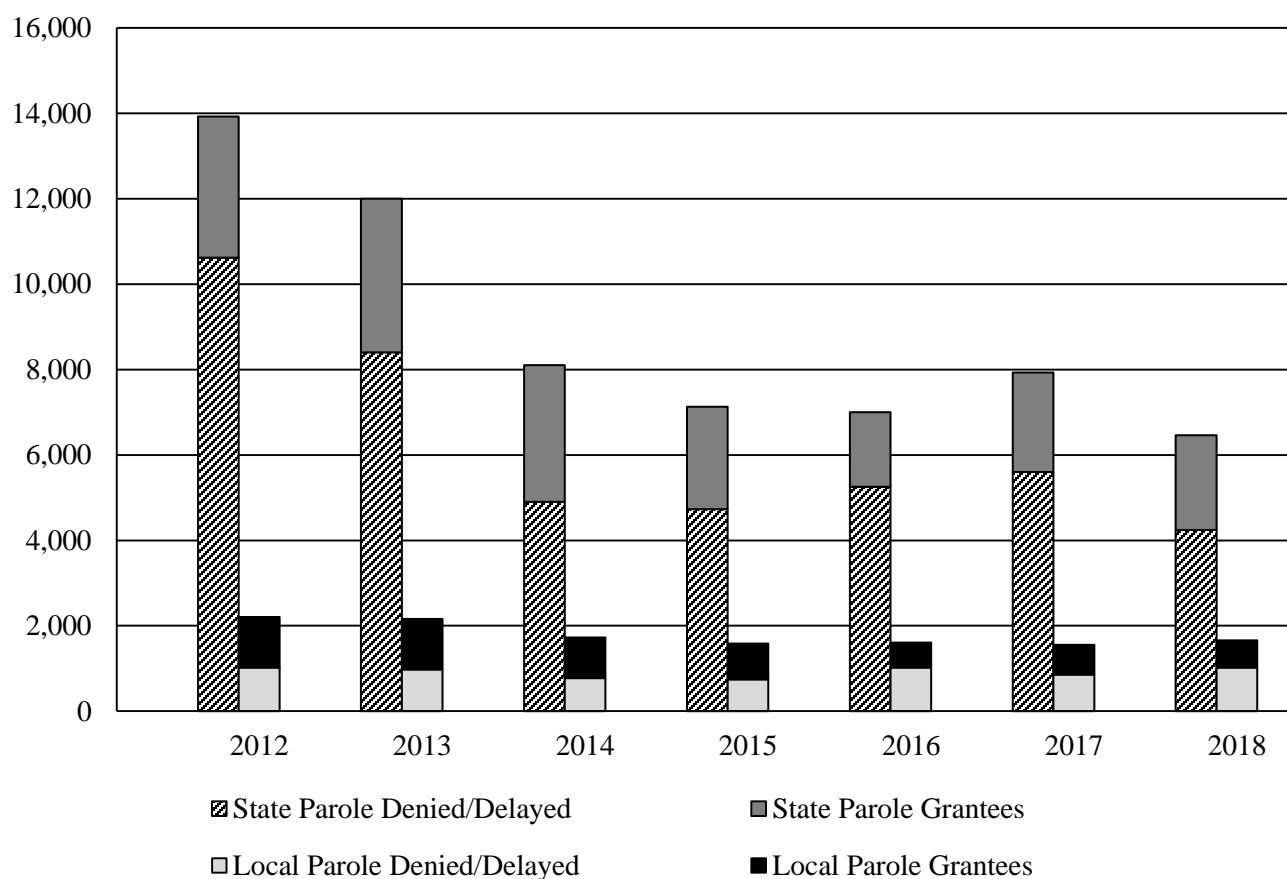
### **Performance Analysis: Managing for Results**

#### **1. MPC Parole Hearing Workload**

Despite policy changes to schedule parole hearings as soon as possible for offenders with sentences of five years or less, State parole hearing totals have continued to decline. Since the most recent peak in fiscal 2012, total State hearings declined from 13,959 to 6,460 – a 54% decrease.

Since fiscal 2012, local parole hearings have also decreased by 25%, from 2,205 to 1,659. This is about half of the decline seen at the State level. Overall, the commission expects State and local hearings to decline in fiscal 2019, in part because of lower offender populations and policy changes due to the Justice Reinvestment Act (JRA). It is important to note that parole hearings have a variety of decisions reached by the board; inmates are either granted or denied parole, or the decision is delayed for a re-hearing at some point in the future. **Exhibit 1** shows the total number of State and local hearings, the number of inmates granted parole, and the number of inmates who were denied parole or had their decision delayed.

**Exhibit 1**  
**Total Parole Hearings and Inmates Parole Status**  
**Fiscal 2012-2018**

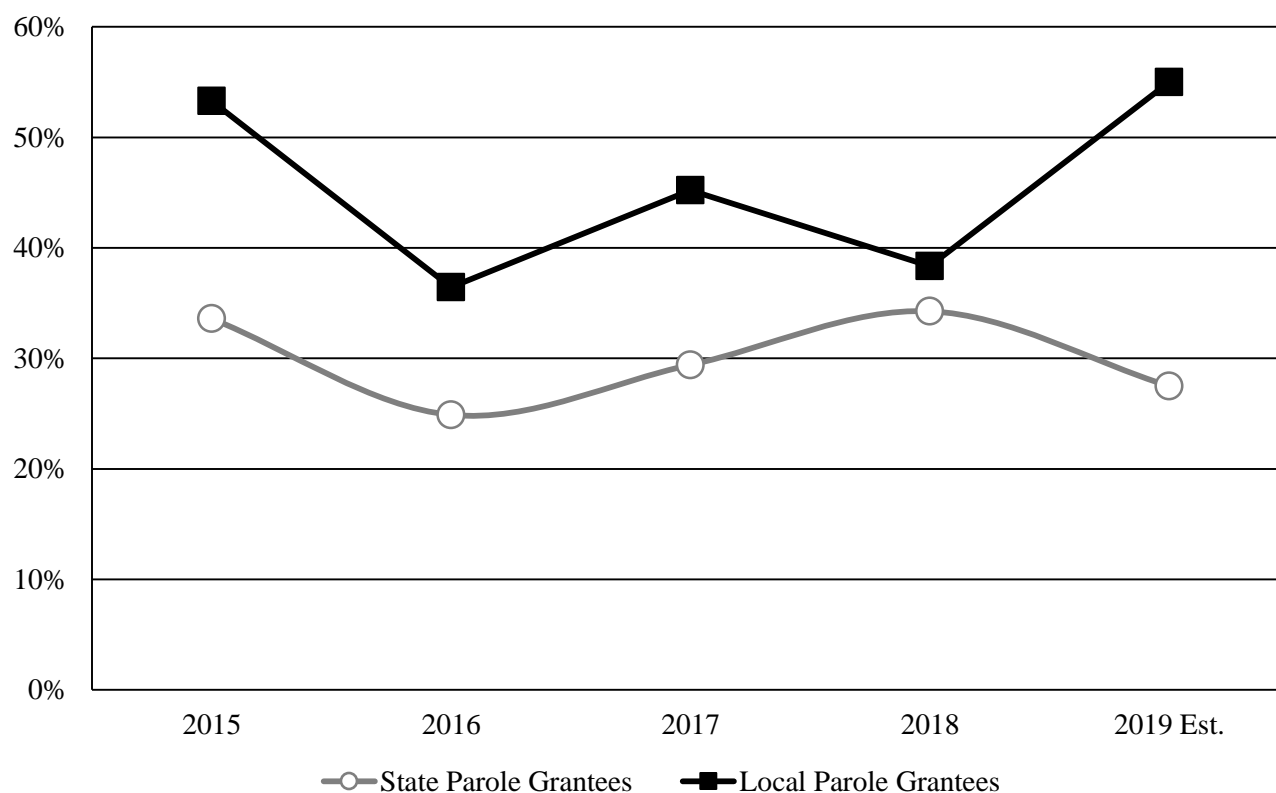


Source: Department of Public Safety and Correctional Services

## 2. Inmates Granted Parole

Since fiscal 2015, the percentage of local offenders granted parole has been higher than State inmates granted parole. In fiscal 2017, the percentage gap between State and local parolees widened, with nearly half of local inmates (45%) receiving parole while just 29% of State inmates were paroled. In fiscal 2018, State and local parole percentages were very close – 34% of State inmates and 38% of local inmates were granted parole, as shown in **Exhibit 2**.

**Exhibit 2**  
**Percentage of State and Local Inmates Granted Parole**  
**Fiscal 2015-2019 (Est.)**



Source: Department of Public Safety and Correctional Services

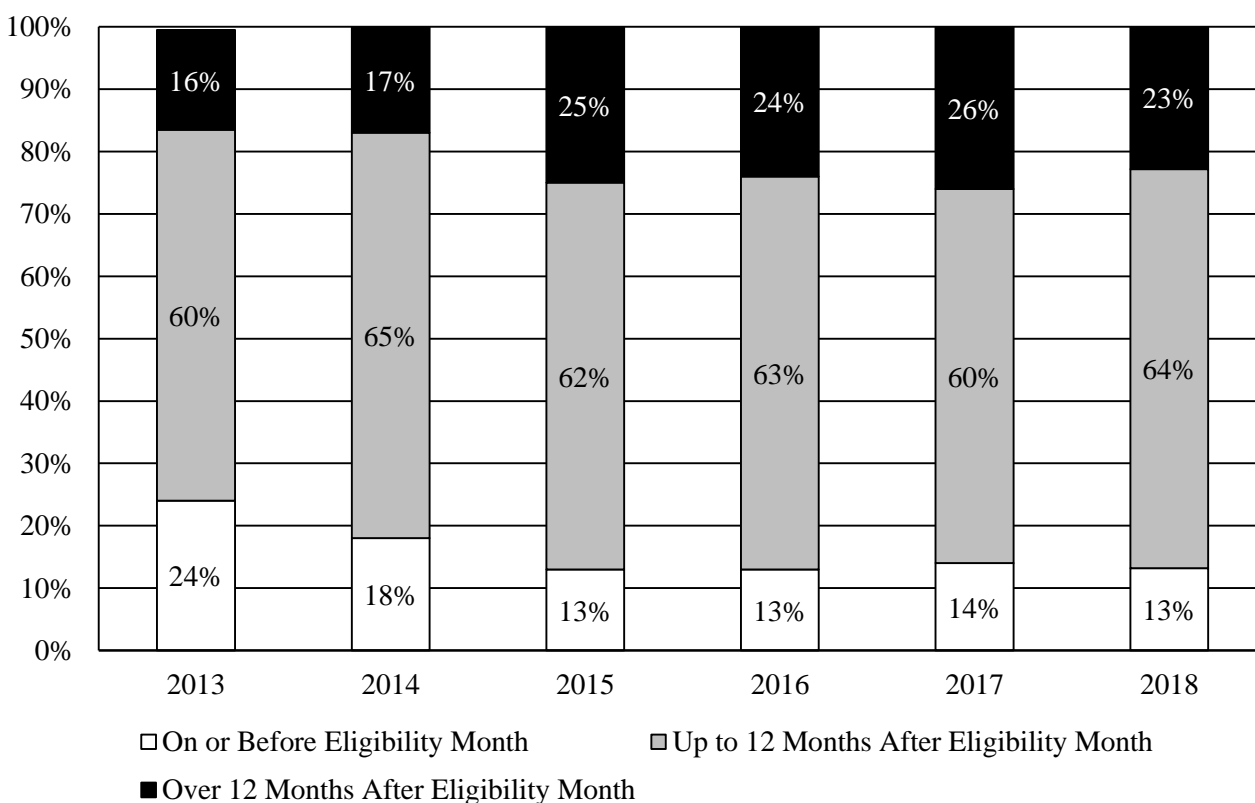
In fiscal 2019, the commission estimates that more than half of local inmates (55%) will receive parole and that the number of State parole grantees will decline to 28%. **MPC should comment on why it expects the number of local parole grantees to rise and why State parole grantees would fall to 28%, its second lowest total in recent years.**

### **3. Parole Releases in Relation to Parole Eligibility Remain Stable**

In fiscal 2013, MPC began monitoring the number of releases at or within 12 months of parole eligibility, in part to determine the impact of the parole case review policy. This policy calls for identifying low- to moderate-risk offenders (excluding ineligible crimes) with the goal of placing those offenders in programming as soon as possible and developing an offender case plan that is reviewed and approved by MPC to expedite the parole review process.

**Exhibit 3** shows offenders paroled by MPC in fiscal 2013 through 2018. In fiscal 2018, the majority of parole releases (77%) occurred within a year of eligibility, a trend that has remained consistent since fiscal 2015. The percentage of offenders released on or before their month of eligibility peaked at 24% in fiscal 2013 and has since declined to 13%.

**Exhibit 3**  
**Parole Releases in Relation to Parole Eligibility Month**  
**Fiscal 2013-2018**



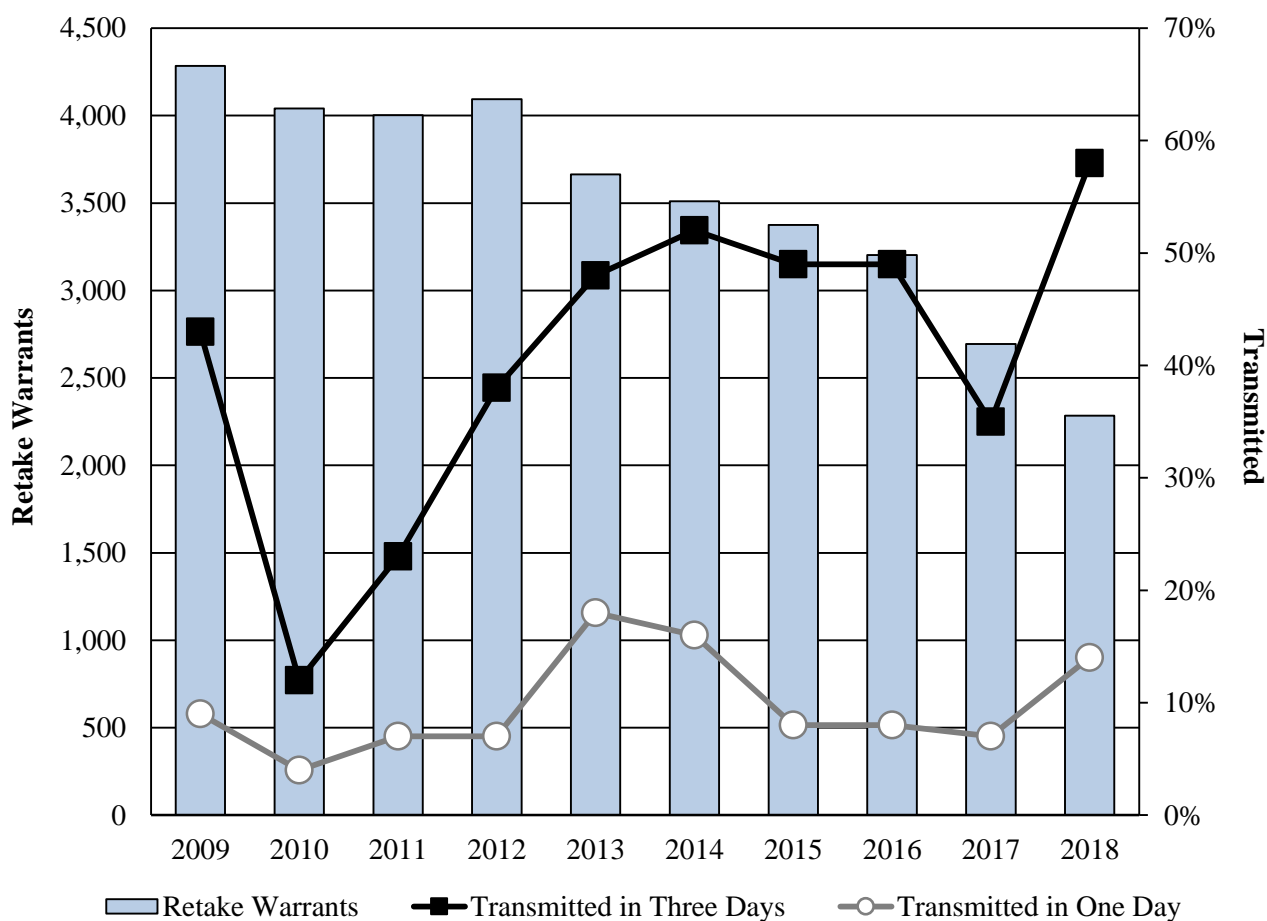
Source: Department of Public Safety and Correctional Services

#### **4. Retake Warrants Decline, but Processing Times Are More Efficient**

Retake warrants are processed by MPC when a parolee violates the terms of parole. Once MPC has been notified of the violation by the community supervision agent, MPC transmits a warrant to the Central Home Detention Unit for the parolee's arrest, so a determination can be made as to whether the parolee will return to the correctional institution from where they were released. **Exhibit 4** shows the

performance measures for retake warrants issued by MPC. The commission’s goal is to have at least 35% of retake warrants processed within three business days. Faster processing times mean that offenders who should not be in the community can be apprehended for parole violations more quickly.

**Exhibit 4**  
**Retake Warrant Processing**  
**Fiscal 2009-2018**



Note: In the Governor’s Budget Books for fiscal 2020, three-day and one-day retake warrant transmission times were reported as 25% and 41%, respectively.

Source: Department of Public Safety and Correctional Services

Since fiscal 2012, the number of retake warrants has declined by 44%, another result of lower inmate populations statewide. Overall, the commission saw processing times in fiscal 2012 rise above the 35% target as warrants were expedited for high-risk offenders, including sex offenders and offenders classified in the high-risk Violence Prevention Initiative group. Despite a decline in fiscal 2017 to 35%, the percentage of retake warrants transmitted in three days or less rose to 58%, well

above targets. Warrants transmitted in one day doubled, from 7% to 14%. **MPC should comment on the significant increase in retake warrant processing efficiency.**

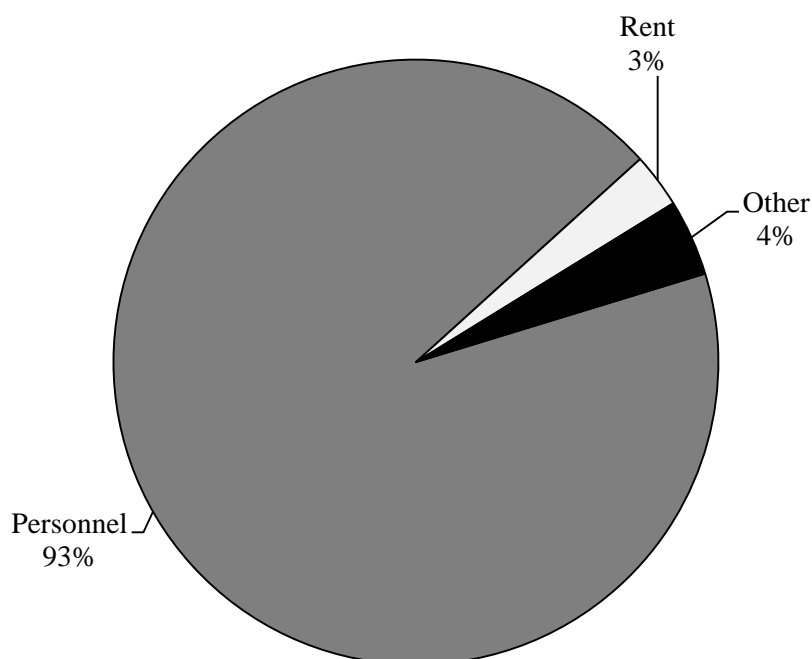
## **Fiscal 2020 Allowance**

### **Overview of Commission Spending**

MPC is a human capital intensive unit that employs most of its staff in administrating, processing, and rendering judgment on parole decisions. As a result, slightly more than 93% of the fiscal 2020 allowance is allocated for personnel spending. **Exhibit 5** shows the fiscal 2020 allowance by major spending categories.

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**Exhibit 5**  
**Commission Spending**  
**Fiscal 2020**



Source: Department of Public Safety and Correctional Services

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## Proposed Budget Change

**Exhibit 6** shows how the Governor’s fiscal 2020 allowance for MPC increases by \$281,000, or 4.6%, over the fiscal 2019 working appropriation.

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**Exhibit 6**  
**Proposed Budget**  
**DPSCS – Maryland Parole Commission**  
**(\$ in Thousands)**

<b>How Much It Grows:</b>	<b>General Fund</b>	<b>Total</b>
Fiscal 2018 Actual	\$5,995	\$5,995
Fiscal 2019 Working Appropriation	6,049	6,049
Fiscal 2020 Allowance	<u>6,329</u>	<u>6,329</u>
Fiscal 2019-2020 Amount Change	\$281	\$281
Fiscal 2019-2020 Percent Change	4.6%	4.6%

### Where It Goes:

#### Personnel Expenses

General salary increase.....	\$145
Regular earnings.....	82
Employee Retirement System .....	50
Workers’ compensation premium assessment .....	7
Turnover expectancy .....	-8
One-time \$500 employee bonus.....	-39

#### Other Changes

Motor vehicle costs .....	34
Non-Department of General Services rent .....	5
Equipment, janitorial, and other contractual services .....	5
Contractual employee costs.....	4
Communication costs .....	2
Routine travel and operations.....	-2
Fuel and utilities .....	-6

<b>Total</b>	<b>\$281</b>
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DPSCS: Department of Public Safety and Correctional Services

Note: Numbers may not sum to total due to rounding.

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## **Personnel Expenses**

Of the \$281,000 change in the fiscal 2020 allowance, \$238,000 is for various personnel expenses, including \$145,000 for a general salary increase. The largest nonpersonnel change in spending is attributable to a \$34,000 increase in motor vehicle costs.

## ***Issues***

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### **1. MPC Year One Review: Implementing the Justice Reinvestment Act**

**Exhibit 7** depicts the key provisions of the JRA that relate to MPC.

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#### **Exhibit 7 Justice Reinvestment Act – Key Provisions**

##### **Provision**

##### **Current Status**

##### **Administrative Release**

Allows inmates convicted of certain offenses after October 1, 2017, to be released on parole after serving one-fourth of their sentence. Victims are notified of the early release and may request a regular parole hearing.

- The Maryland Parole Commission (MPC) hearing officers received training in August 2017. MPC is also working on an Offender Case Management System dashboard to manage offender compliance.
- 700 statewide inmates were screened for administrative release, and 150 were deemed eligible. 94 have been released; 56 are slated for release.

##### **Geriatric Parole**

Offenders age 60 and up who were sentenced under Section 14-101 of the Criminal Law Article (which deals with mandatory minimum sentences) can petition for geriatric parole.

- To date, 31 inmates have petitioned, and none were granted parole because their sentences were not imposed under Section 14-101.

##### **Graduated Sanctions and Revocation Caps**

Supervision agents use a matrix to determine the proper sanctions against an offender who has violated parole. Noncustodial (nonjail) sanctions are considered, and revocation caps limit the length of incarceration time imposed for violations as well.

- In fiscal 2018, 1,365 offenders received some form of graduated sanctions.

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**Provision**

**Current Status**

Medical Parole

Inmates may petition to seek a recommendation (at no cost) from a medical professional who may request that the offender be paroled for medical reasons. The Governor has 180 days to deny any approved request.

- 17 offenders approved, 25 denied, 18 ineligible, and 1 under review by the Governor.

Department of Public Safety  
and Correctional Services  
Evidence-based Practices  
Training

Requires annual evidence-based practices training for parole and probation agents, MPC members, and hearing officers. All MPC training is complete.

Source: Department of Public Safety and Correctional Services

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In terms of the JRA, each of the provisions has various related issues that should be addressed via comment by MPC, including the following:

- ***Administrative Release:*** In terms of this JRA provision, this type of release awards credit by backdating to the start of the sentence to account for time served in pretrial detention. As a result, it is not uncommon for offenders to be at or past their parole eligibility date when their administrative release eligibility occurs. MPC has noted that it provided training on administrative release to the Maryland Correctional Administrators Association and is working with the DPSCS' Department of Information Technology and Communications Division to identify possible administrative release offenders more efficiently. **MPC should comment on the administrative release timing issue and whether the JRA's 60-day deadline for an investigation to be completed is feasible. MPC should also comment on the progress of the Offender Case Management System (OCMS) dashboard and compliance monitoring of offenders for this particular provision.**
- ***JRA Technical Violation Language:*** The issue regarding JRA language means that after a technical violation, an offender found guilty of three technical violations would be incarcerated for 90 days – 15 days for the first violation, 30 days for the second, and 45 days for the third. Others have interpreted the statute as providing for a 15-day sanction period that applies at the first revocation hearing, no matter how many violations the offender has committed. Next, the 30-day sanction applies at the second revocation hearing, and the 45-day sanction applies at the third revocation hearing. **MPC should detail its stance on the issue regarding the interpretation of first violation, second violation, and third violation in the JRA. It should also comment on how it is applying its interpretation of the language to its cases.**

- ***Revocation Decisions:*** MPC has noted that there are several challenges regarding these cases. While MPC can revoke an offender's parole or mandatory release, it does not impose any new sentence. Instead, the commission initiates the revocation; awards credit for time between release and revocation; and, in some cases, revokes diminution credits. The Division of Correction then calculates the correct new custody term or how much time the offender is required to serve after their parole or release has been revoked. Because the JRA allows for clear-cut 15-day, 30-day, or 45-day incarceration periods for violations, it is usually not mathematically possible for the commission to create a revocation custody period that results in exactly 15, 30, or 45 days. As a result, MPC has been able to withhold disposition for 15, 30, or 45 days, and then placing the offender on parole or supervision. **MPC should comment on the withholding process and what percentage of revocation cases that it is used for and whether this practice is advisable and sustainable.**
- ***Warrants for Revocation:*** Overall, MPC expects the number of warrants for revocation to decrease. **MPC should comment on whether this trend will continue and how efficient the OCMS system has been regarding tracking these decisions, which used to be on paper only and not digitally captured.**
- ***Evidence-based Practices Training:*** MPC should provide detail on its evidence-based results training program, the purpose of the training, and the desired outcomes for both agents and offenders.

## ***Operating Budget Recommended Actions***

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	<b><u>Amount Reduction</u></b>	
1. Increase turnover to 8%. The agency has had vacancy rates at 8% or higher since 2013. If funds are needed for personnel, the agency can use correctional officer salary savings.	\$ 231,000	GF
<b>Total General Fund Reductions</b>	<b>\$ 231,000</b>	

**Appendix 1**  
**Current and Prior Year Budgets**  
**DPSCS – Maryland Parole Commission**  
**(\$ in Thousands)**

	<b><u>General</u></b> <b><u>Fund</u></b>	<b><u>Special</u></b> <b><u>Fund</u></b>	<b><u>Federal</u></b> <b><u>Fund</u></b>	<b><u>Reimb.</u></b> <b><u>Fund</u></b>	<b><u>Total</u></b>
<b>Fiscal 2018</b>					
Legislative Appropriation	\$6,133	\$0	\$0	\$0	\$6,133
Deficiency/Withdrawn Appropriation	-110	0	0	0	-110
Cost Containment	0	0	0	0	0
Budget Amendments	0	0	0	0	0
Reversions and Cancellations	-28	0	0	0	-28
<b>Actual</b> <b>Expenditures</b>	<b>\$5,995</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$5,995</b>
<b>Fiscal 2019</b>					
Legislative Appropriation	\$5,959	\$0	\$0	\$0	\$5,959
Budget Amendments	45	0	0	0	45
<b>Working</b> <b>Appropriation</b>	<b>\$6,004</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$6,004</b>

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. Numbers may not sum to total due to rounding.

## **Fiscal 2018**

General fund expenditures in fiscal 2018 were approximately \$6 million, a \$138,000 decrease from the legislative appropriation. Overall, \$110,000 was withdrawn due to reductions related to employee and retiree health insurance surpluses, and \$28,000 was reverted due to vacancies in contractual positions.

## **Fiscal 2019**

The Maryland Parole Commission fiscal 2019 working appropriation is approximately \$6.0 million, \$45,000 above the legislative appropriation of \$5.9 million. This \$45,000 increase is due to a general salary increase.

**Appendix 2**  
**Object/Fund Difference Report**  
**DPSCS – Maryland Parole Commission**

<u>Object/Fund</u>	<u>FY 18 Actual</u>	<u>FY 19 Working Appropriation</u>	<u>FY 20 Allowance</u>	<u>FY 19 - FY 20 Amount Change</u>	<u>Percent Change</u>
<b>Positions</b>					
01 Regular	72.00	72.00	73.00	1.00	1.4%
02 Contractual	0.20	1.77	1.77	0.00	0%
<b>Total Positions</b>	<b>72.20</b>	<b>73.77</b>	<b>74.77</b>	<b>1.00</b>	<b>1.4%</b>
<b>Objects</b>					
01 Salaries and Wages	\$ 5,672,065	\$ 5,614,792	\$ 5,746,597	\$ 131,805	2.3%
02 Technical and Special Fees	6,296	60,191	63,843	3,652	6.1%
03 Communication	29,718	30,200	32,600	2,400	7.9%
04 Travel	17,045	25,500	23,250	-2,250	-8.8%
06 Fuel and Utilities	21,505	28,100	22,400	-5,700	-20.3%
07 Motor Vehicles	25,286	15,280	49,598	34,318	224.6%
08 Contractual Services	19,795	18,900	23,550	4,650	24.6%
09 Supplies and Materials	30,911	35,000	35,000	0	0%
10 Equipment – Replacement	1,414	1,703	1,750	47	2.8%
11 Equipment – Additional	849	0	0	0	0.0%
13 Fixed Charges	170,247	174,399	179,718	5,319	3.0%
<b>Total Objects</b>	<b>\$ 5,995,131</b>	<b>\$ 6,004,065</b>	<b>\$ 6,178,306</b>	<b>\$ 174,241</b>	<b>2.9%</b>
<b>Funds</b>					
01 General Fund	\$ 5,995,131	\$ 6,004,065	\$ 6,178,306	\$ 174,241	2.9%
<b>Total Funds</b>	<b>\$ 5,995,131</b>	<b>\$ 6,004,065</b>	<b>\$ 6,178,306</b>	<b>\$ 174,241</b>	<b>2.9%</b>

DPSCS: Department of Public Safety and Correctional Services

Note: The fiscal 2019 appropriation does not include deficiencies, a one-time \$500 bonus, or general salary increases. The fiscal 2020 allowance does not include general salary increases.